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8 **BEFORE THE**
9 **BOARD OF BEHAVIORAL SCIENCES**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2002021000277

13 **CHRISTINA TOREN BERCOVICI**
14 **1088 Highlander Drive**
Seaside, CA 93955

DEFAULT DECISION AND ORDER

15 **Licensed Marriage and Family Therapist**
16 **License No. LMFT 20467**

[Gov. Code, §11520]

17 Respondent.
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20 **FINDINGS OF FACT**

21 1. On or about July 15, 2022, Complainant Steve Sodergren, in his official capacity as
22 the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs,
23 filed Accusation No. 2002021000277 against Christina Toren Bercovici (Respondent) before the
24 Board of Behavioral Sciences. (Accusation attached as Exhibit A.)

25 2. On or about June 5, 1985, the Board of Behavioral Sciences (Board) issued Licensed
26 Marriage and Family Therapist License No. LMFT 20467 to Respondent. The Licensed Marriage
27 and Family Therapist License expired on December 31, 2020, and has not been renewed.

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1 3. On or about July 18, 2022, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 2002021000277, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
5 Code section 136, is required to be reported and maintained with the Board. Respondent's
6 address of record was and is: 1088 Highlander Drive, Seaside, CA 93955.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505(c) and/or Business and Professions Code section 124.

9 5. Government Code section 11506(c) states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense . . . and the notice shall be deemed a specific denial of all
12 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
13 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
14 discretion may nevertheless grant a hearing.

15 6. The Board takes official notice of its records and the fact that Respondent failed to
16 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
17 waived her right to a hearing on the merits of Accusation No. 2002021000277.

18 7. California Government Code section 11520(a) states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense . . . or to appear at
20 the hearing, the agency may take action based upon the respondent's express
21 admissions or upon other evidence and affidavits may be used as evidence without
22 any notice to respondent . . .

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
26 finds that the charges and allegations in Accusation No. 2002021000277, are separately and
27 severally, found to be true and correct by clear and convincing evidence.

28 9. The Board finds that the actual costs for Investigation and Enforcement are \$5,352.50 as of
July 28, 2022.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Christina Toren Bercovici has
3 subjected her Licensed Marriage and Family Therapist License No. LMFT 20467 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Behavioral Sciences is authorized to revoke Respondent's Licensed
6 Marriage and Family Therapist License based upon the violations alleged in the Accusation
7 which are supported by the evidence contained in the Default Decision Investigatory Evidence
8 Packet in this case.

9 **ORDER**

10 IT IS SO ORDERED that Licensed Marriage and Family Therapist License No. LMFT
11 20467, issued to Respondent Christina Toren Bercovici, is revoked.

12 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
13 written motion requesting that the Decision be vacated and stating the grounds relied on within
14 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
15 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

16 This Decision shall become effective on October 13, 2022.

17 It is so ORDERED September 13, 2022

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20 FOR THE BOARD OF BEHAVIORAL SCIENCES
21 DEPARTMENT OF CONSUMER AFFAIRS

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24 Attachment:
25 Exhibit A: Accusation
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Exhibit A

Accusation

(CHRISTINA TOREN BERCOVICI)

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9 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2002021000277

13 **CHRISTINA TOREN BERCOVICI**
14 **1088 Highlander Drive**
Seaside, CA 93955

ACCUSATION

15 **Licensed Marriage and Family Therapist**
16 **License No. LMFT 20467**

17 Respondent.

18
19 **PARTIES**

20 1. Steve Sodergren (Complainant) brings this Accusation solely in his official capacity
21 as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs.

22 2. On or about June 5, 1985, the Board of Behavioral Sciences issued Licensed
23 Marriage and Family Therapist License Number LMFT 20467 to Christina Toren Bercovici
24 (Respondent). The Licensed Marriage and Family Therapist License expired on December 31,
25 2020, and has not been renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Behavioral Sciences (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code (Code) unless otherwise indicated.

2 4. Section 118, subdivision (b) of the Code provides that the
3 suspension/expiration/surrender/cancellation of a license shall not deprive the board of
4 jurisdiction to proceed with a disciplinary action during the period within which the license may
5 be renewed, restored, reissued or reinstated.

6 5. Section 4990.33 of the Code states:

7 Notwithstanding any other law, except as provided in Section 4990.32, the
8 expiration, cancellation, forfeiture, or suspension of a license, registration, or other
9 authority to practice by operation of law or by order or decision of the board or a
10 court of law, the placement of a license on a retired status, or the voluntary surrender
11 of a license or registration by a licensee or registrant, of any license or registration
within the authority of the board, shall not deprive the board of jurisdiction to
commence or proceed with any investigation of, or action or disciplinary proceeding
against, the licensee or registrant or to render a decision suspending or revoking the
license or registration.

12 STATUTORY PROVISIONS

13 6. Section 4982 of the Code states:

14 The board may deny a license or registration or may suspend or revoke the
15 license or registration of a licensee or registrant if the licensee or registrant has been
16 guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited
to, the following:

17 ...

18 (k) Engaging in sexual relations with a client, or a former client within two
19 years following termination of therapy, soliciting sexual relations with a client, or
committing an act of sexual abuse, or sexual misconduct with a client, or committing
an act punishable as a sexually related crime, if that act or solicitation is substantially
related to the qualifications, functions, or duties of a marriage and family therapist.

20 ...

21 REGULATORY PROVISIONS

22 7. California Code of Regulations, title 16, section 1804 states:

23 Each person or professional corporation regulated by the board shall
24 maintain a current mailing address with the board and shall notify the board within
25 thirty (30) days concerning any change of address giving both the old and new
address.

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1 8. California Code of Regulations, title 16, section 1845 states in pertinent part:

2 As used in section 4982 of the code, unprofessional conduct includes, but is not limited to:

3 . . .

4 (f) Failure to cooperate and participate in any board investigation pending
5 against the licensee or registrant. This subsection shall not be construed to deprive a
6 licensee, registrant, or a consumer of any rights or privilege guaranteed by the Fifth
7 Amendment to the Constitution of the United States, or any other constitutional or
8 statutory rights or privileges. This subsection shall not be construed to require a
9 licensee or registrant to cooperate with a request that would require the licensee,
10 registrant, or a consumer to waive any constitutional or statutory rights or privilege or
11 to comply with a request for information or other matters within an unreasonable
12 period of time in light of the time constraints of the licensee's or registrant's practice.
13 Any exercise by a licensee or registrant of any constitutional or statutory rights or
14 privilege shall not be used against the licensee or registrant in a regulatory or
15 disciplinary proceeding against the licensee or registrant.

11 COST RECOVERY

12 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
13 administrative law judge to direct a licensee found to have committed a violation or violations of
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
16 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
17 included in a stipulated settlement.

18 FACTUAL ALLEGATIONS

19 10. In May 2015, KS began therapy with Respondent. KS continued to pay Respondent
20 for therapy sessions up to November 2017. However, beginning in August 2017, the relationship
21 between Respondent and KS changed and became what KS described as a "romantic
22 relationship." In an August 18, 2017, text message sent to KS, Respondent asserted:

23 "Yes I am attracted to you in every way. I keep a tight control over my lust for
24 obvious reasons. But I let my love for you run free because I can only express it as
25 your therapist."

26 11. Throughout August 2017, Respondent and KS repeatedly corresponded expressing
27 their sexual desires and love for one another. In September 2017, KS purchased a ring for
28 Respondent and they began to call each other "wife" in written communications. Thereafter, KS
and Respondent engaged in an exhaustive dialog of expressing their love for one another,

1 including explicit sexual messages that continued at least up to September 2018.

2 12. In June 2019, Respondent moved into KS's home. She moved out of KS's home on
3 July 4, 2020.

4 13. On August 4, 2020, the Board received a complaint from KS regarding the
5 inappropriate relationship with Respondent. On March 10, 2022, the Board sent a letter to
6 Respondent at her address of record seeking a response to the allegations contained in KS's
7 complaint. On April 19, 2022, this letter was returned by the US Postal Service with notification
8 that the letter was "Not deliverable as addressed. Unable to forward."

9 14. On April 13, 2022, the Board sent a second letter to Respondent at her address of
10 record with the Board, requesting a response to KS's allegations. The Board also sent the letter to
11 the e-mail address that Respondent had on record with the Board. Respondent did not respond to
12 the Board.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct - Sexual Relations/Misconduct with Client)**

15 15. Respondent is subject to discipline for unprofessional conduct pursuant to Code
16 section 4982, subdivision (k), in that she engaged in a sexual relationship and/or sexual
17 misconduct with a client during therapy and within two years of the termination of the therapeutic
18 relationship. The facts in support of this cause for discipline are set forth above in paragraphs 10
19 through 12.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct – Failure to Cooperate in Board Investigation)**

22 16. Respondent is subject to discipline for unprofessional conduct pursuant to California
23 Code of Regulations, title 16, section 1845, subdivision (f), in that she failed to cooperate in the
24 Board's investigation of the allegations made in KS's complaint to the Board. The facts in
25 support of this cause for discipline are set forth above in paragraphs 13 and 14.

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28 **THIRD CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct – Failure to Maintain Current Address of
Record with the Board)**

17. Respondent is subject to discipline for unprofessional conduct pursuant to California Code of Regulations, title 16, section 1804, in that she failed to maintain a current mailing address with the Board and failed to notify the Board within thirty (30) days of a change in address. The facts in support of this cause for discipline are set forth above in paragraphs 13 and 14.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Behavioral Sciences issue a decision:

1. Revoking or suspending Licensed Marriage and Family Therapist License Number LMFT 20467, issued to Christina Toren Bercovici;
2. Ordering Christina Toren Bercovici to pay the Board of Behavioral Sciences the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: July 15, 2022

Steve Sodergren

STEVE SODERGREN
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California
Complainant

SF2022401213